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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,481	06/18/2001	Yuichi Takamine	36856.493	1199

7590 05/30/2003
Keating & Bennett LLP
Suite 312
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Fairfax, VA 22030

EXAMINER

SUMMONS, BARBARA

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,481

Applicant(s)

Takamine et al.

Examiner

Boulala Summons

Group Art Unit

2817

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 (three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 3/10/03

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-18 and 20-24 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 17, 18, and 20-24 is/are allowed.

☒ Claim(s) 1-4, 7-12, 15 and 16 is/are rejected.

☒ Claim(s) 5, 6, 13 and 14 is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☒ The proposed drawing correction, filed on 3/10/03 is ☒ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

Art Unit: 2817

DETAILED ACTION

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 3/10/03 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Withdrawn Claim Rejections - 35 USC § 112

2. Applicants' amendment received 3/10/03 has overcome the rejection of claim 23.

Withdrawn Claim Rejections - 35 USC §§ 102 and 103

3. Applicants' amendment received 3/10/03 has overcome the rejections of claims 17, 18, 20, 21, 22, and 24 based upon Xu et al. U.S. 5,821,834.

Maintained Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7-12, 15, and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ueda et al. U.S. 5,874,869 (of record) for reasons of record [see paragraph 9 of the Office action mailed 10/04/02].

Art Unit: 2817

Regarding the amendment to claims 1 and 9 requiring one or a plurality of "delay line(s) and (a) reactance component(s)" (emphasis added), note that the bonding wires 222 and 223 are two, being a plurality, and they each inherently provide an inductive reactance component and also each inherently provide a delay. Therefore, the bonding wires 222 and 223 are delay lines and reactance components. In other words, as stated in the prior Office action rejection, the structure of Fig. 14 of Ueda et al. is the same as Applicants' Fig. 15, as far as bonding wires to the balanced signal terminals are concerned, and so the delay line/reactance component properties are considered to be the same.

Allowable Subject Matter

6. Claims 17, 18, and 20-24 are allowable over the prior art of record.
7. Claims 5, 6, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 3/10/03 have been fully considered but they are not persuasive.

Applicants argue that "Ueda et al. clearly fails to show a surface acoustic wave device with 'a delay line **and** a reactance component connected to one of the pair of balanced signal terminals' (emphasis added)" [see the paragraph bridging pages 9 and 10 of the amendment received 3/10/03], or a delay line "in addition to a reactance component" [ibid.]. This argument

Art Unit: 2817

is not persuasive because a bond wire inherently provides both the functions of an inductive reactance component and a delay line, as is known and admitted by Applicants (see the specification at the paragraph bridging pages 23 and 24) who also use bond wires 84e and 84f (Fig. 15) as both delay lines and reactance components (ibid.).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication should be directed to Barbara Summons at telephone number (703) 308-4947, FAX no. (703) 308-7724, receptionist's no. (703) 308-0956, Supervisory Examiner Bob Pascal (703) 308-4909.



Barbara Summons
Primary Examiner
Art Unit 2817

bs
May 27, 2003